

Meiram Bendat (Cal. Bar No. 198884)
PSYCH-APPEAL, INC.
8560 West Sunset Boulevard, Suite 500
West Hollywood, CA 90069
Tel: (310) 598-3690, x.101
Fax: (310) 564-0040
meiram@psych-appeal.org

D. Brian Hufford (admitted *pro hac vice*)
Jason S. Cowart (admitted *pro hac vice*)
ZUCKERMAN SPAEDER LLP
1185 Avenue of the Americas, 31st Floor
New York, NY 10036
Tel: (212) 704-9600
Fax: (212) 704-4256
dbhufford@zuckerman.com
jcowart@zuckerman.com

Anthony F. Maul (subject to *pro hac vice* admission)
THE MAUL FIRM, P.C.
68 Jay Street, Suite 201
Brooklyn, NY 11201
Tel: (646) 263-5780
Fax: (866) 488-7936
afmaul@maulfirm.com

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

DAVID AND NATASHA WIT, *et al.*, on behalf
of themselves and all others similarly situated,

Plaintiffs,

v.

UNITED BEHAVIORAL HEALTH
(operating as OPTUMHEALTH BEHAVIORAL
SOLUTIONS),

Defendant.

Case No. 3:14-CV-02346-JCS

**DECLARATION OF MEIRAM
BENDAT IN SUPPORT OF
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' MOTION TO
TRANSFER VENUE**

Hearing Date: October 3, 2014
Time: 9:30 A.M.
Judge: Hon. Joseph C. Spero
Courtroom: G – 15th Floor
Action Filed: May 21, 2014

**DECLARATION OF MEIRAM BENDAT
IN SUPP. OF PLAINTIFFS' OPP. TO DEFENDANTS'
MOTION TO TRANSFER VENUE
CASE NO. 3:14-CV-02346-JCS**

1 I, Meiram Bendat, declare and state as follows:

2 1. I am over 18 years of age. I am an attorney licensed to practice before all of the
3 courts of the State of California and have been admitted to practice before this Court. I am the
4 principal of the law firm Psych Appeal, Inc., and counsel of record for Plaintiffs David and
5 Natasha Wit, Brian Muir, Brandt Pfeifer, Lori Flanzraich, and Cecilia Holdnak. I am responsible
6 for the day-to-day management of this action. I have personal knowledge of the facts set forth
7 herein.

8 2. To verify that California has the most residential treatment centers of any state, I
9 used the “Find a Treatment Center” function provided by Psychology Today at http://treatment.psychologytoday.com/rms/. Clicking on the link for California produces a list of
10 332 treatment centers. Refining the search further by specifying only “Long Term Residential
11 (>30 Days)” results in a list of 199 treatment centers. Following the same procedure for New
12 York produces a list of 159 total treatment centers, 69 of which provide long-term residential
13 treatment. Following the same procedure for every other state results in lists significantly
14 shorter than for California (Florida has the second most, with 259 treatment centers listed, 145
15 of which provide long-term residential treatment).

16 3. Attached hereto as Exhibit 1 is a true and correct copy of Jennifer D. Thompson
17 Kinberger’s LinkedIn page, available at <http://www.linkedin.com/pub/jenn-thompson-kinberger/5/552/151>, which indicates that she is a Business Operations Assurance Consultant
18 with UnitedHealth Group, living in San Diego, California.

19 4. Attached hereto as Exhibit 2 is a true and correct copy of Dr. David Mee-Lee’s
20 professional profile appearing on The Change Companies website, available at
21

1 https://www.changecompanies.net/david_mee_lee.php, which indicates that he is the Chief
2 Editor of The ASAM Criteria.

3 5. Attached hereto as Exhibit 3 is a true and correct copy of Dr. David Mee-Lee's
4 license verification with the Medical Board of California, available at
5 https://www.breeze.ca.gov/datamart/detailsCADCA.do?selector=false&selectorType=&selector
6 ReturnUrl=&anchor=b6e306b.0.1, which lists his current address in Davis, California.
7

8 6. Attached hereto as Exhibit 4 is a true and correct excerpt from U.S District Court
9 – Judicial Caseload Profile, available at [http://www.uscourts.gov/uscourts/Statistics/
10 FederalCourtManagementStatistics/2014/district-fcms-profiles-march-2014.pdf#page=66](http://www.uscourts.gov/uscourts/Statistics/FederalCourtManagementStatistics/2014/district-fcms-profiles-march-2014.pdf#page=66),
11 listing the statistics for the Southern District of New York and the Northern District of
12 California.
13

14 I declare under penalty of perjury that the foregoing is true and correct.
15

16 Executed on this 18th day of August, 2014.
17 /s/ Meiram Bendat
18

27 DECLARATION OF MEIRAM BENDAT
28 IN SUPP. OF PLAINTIFFS' OPP. TO DEFENDANTS'
MOTION TO TRANSFER VENUE
CASE NO. 3:14-CV-02346-JCS